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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

No. 4:15-CR-6049-EFS-15

10 Plaintiff,

ORDER DENYING THE UNITED  
STATES' MOTION FOR  
DETENTION AND SETTING  
CONDITIONS OF RELEASE

11 vs.

12 ERICA MARIA SOLIS,

**ECF No. 192**

13 Defendant.

14 On Tuesday, December 20, 2016, the Court conducted a detention hearing in  
15 accordance with 18 U.S.C. § 3142(f). Defendant appeared, in custody, with her  
16 attorney Troy Lee appearing by video. Assistant United States Attorney Stephanie  
17 Van Marter represented the United States.

18 The United States' Motion for Detention (**ECF No. 192**) is **DENIED**.

19 The Court considered the Pretrial Services Report (ECF No. 226) and the  
20 counsels' arguments. To decide whether conditions of release would reasonably

assure the Defendant's appearance in court and the safety of the community, the Court considered and evaluated the four factors outlined in 18 U.S.C. § 3142(g):

1. The nature and circumstances of the offense;
2. The weight of the evidence against the Defendant;
3. The history and characteristics of the Defendant; and
4. The nature and seriousness of the danger the Defendant would present to the community if released.

The Court finds the following:

## **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that the Defendant is a flight risk and a danger to the community based on the nature of the pending charge. Defendant has rebutted the presumption that no condition or combination of conditions will reasonably assure the safety of another person or the community and/or no condition or combination of conditions will reasonably assure the appearance of the Defendant as required.

This is not a rebuttable presumption case; however, the case is eligible for a detention hearing under 18 U.S.C. § 3142(f)(2). There is a serious risk that the Defendant: will not appear and/or endanger the safety of another person or the

1 community.

2 **IT IS ORDERED:**

3 1. The United States' Motion for Detention (**ECF No. 192**) is **DENIED**.

4 2. If a party desires this Court to reconsider conditions of release

5 because of material and newly discovered circumstances under 18 U.S.C. §

6 3142(f), that party shall file a motion with the court, served upon the United States

7 Attorney, stating what circumstances are new, how they are established, and the

8 requested change in conditions of release.

9 3. If a party seeks review of this Order by another court pursuant to 18

10 U.S.C. § 3145(b), counsel shall adhere to the Detention Order Review Protocol

11 found in L.Cr.R. 46(k).

12 4. The Defendant is bound over to Judge Edward F. Shea for further

13 proceedings.

14 5. Defendant shall complete and sign A.O. Form 199C and, upon

15 release, abide by the following conditions at all times:

16 **CONDITIONS OF RELEASE**

17 (1) Defendant shall not commit any offense in violation of federal, state or local  
18 law. Defendant shall advise the supervising Pretrial Services Officer and  
19 defense counsel within one business day of any charge, arrest, or contact with  
law enforcement. Defendant shall not work for the United States government  
or any federal or state law enforcement agency, unless Defendant first notifies  
the supervising Pretrial Services Officer in the captioned matter.

20 (2) Defendant shall immediately advise the Court, defense counsel and the U.S.

1 Attorney in writing before any change in address and telephone number.

2 (3) Defendant shall appear at all proceedings as required and shall surrender for  
3 service of any sentence imposed as directed.

4 (4) Defendant shall sign and complete A.O. Form 199C before being released and  
shall reside at the address furnished.

5 (5) Defendant shall not possess a firearm, destructive device or other dangerous  
weapon.

6 (6) Defendant shall report to the United States Probation Office before or  
7 immediately after release and shall report as often as they direct, at such times  
and in such manner as they direct.

8 (7) Defendant shall contact defense counsel at least once a week.

9 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful  
10 for any person who is under indictment for a crime punishable by  
imprisonment for a term exceeding one year, to possess, ship or transport in  
11 interstate or foreign commerce any firearm or ammunition or receive any  
12 firearm or ammunition which has been shipped or transported in interstate or  
foreign commerce.

13 (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug  
14 or other controlled substances defined in 21 U.S.C. § 802, unless prescribed  
by a licensed medical practitioner. Defendant may not possess or use  
15 marijuana, regardless of whether Defendant has been prescribed a medical  
marijuana card.

16 (10) Defendant shall surrender any passport to Pretrial Services and shall not apply  
for a new passport.

17 **SPECIAL CONDITIONS**

18 (1) Remain in the Eastern District of Washington unless given permission by the  
United States Probation/Pretrial Services Office.

20 (2) No contact with co-defendants or potential witnesses.

1 (3) Maintain employment, or, if unemployed, actively seek employment and/or  
2 maintain or commence an educational program.

3 DATED December 20, 2016.

4 *s/Mary K. Dimke*  
5 MARY K. DIMKE  
6 UNITED STATES MAGISTRATE JUDGE